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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,420	06/24/2005	Steven Anthony Barron	PA030002	4190

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Joseph S Tripoli
Thomson Licensing Inc
P O Box 5312
Princeton, NJ 08543-5312

EXAMINER

CROWDHURY, NIGAR

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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12/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/540,420

Applicant(s)

BARRON ET AL.

Examiner

NIGAR CHOWDHURY

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 08/24/2009 have been fully considered but they are not persuasive.
2. In re pages 4-5, applicant argues that Emura discloses a television program recording reservation system wherein when a television program recording reservation for a desired television program newly input by the viewer overlaps with a registered recording reservation for a specific television program, television program schedule information that was previously received and stored by the system is searched for a rebroadcast television program having the same contents as those of the desired television program. Emura fails to disclose program schedule information is not received simultaneously with the video program, nor is it extracted during the recording of the video program from the video signal of the video program, as recited in claim 1.

In response, the examiner respectfully disagrees. Emura discloses from col. 14 lines 25-col. 15 lines 8 that ".....television program schedule information storing unit....to renew the television program schedule information....stored in the storing unit.....schedule information I1i is updated television program schedule information I1 in cases where the input television program schedule I1i differs from the television program schedule information....controlling the television program recording unit....to record the television program in the recording medium....according to each television program recording reservation registered in the storing unit...." Emura discloses extracting of additional information I1i from demultiplexing unit 102 of fig. 7 as updated

television program schedule information in cases where the input television program schedule information differs from the television program schedule information 11. The additional information (11i) being received simultaneously with the video program through the receiving unit 101.

3. Claims 2-4 and 7 are rejected for the same reason as discussed in the corresponding paragraph 2 above.
4. Claims 5, 6, 8, 9 are rejected for the same reason as discussed in the corresponding paragraph 2 above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 7, 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,344,878 by Emura.
6. Regarding **claim 1**, method for adding information to a timer for a video recording device, wherein timer specifies details necessary to record a video program, comprising

- recording a video program due to a recurring timer (col. 2 lines 35-49, col. 14 lines 25-col. 15 lines 8);
- extracting, during recording, additional information from the video signal of the video program, the additional information being received simultaneously with the video program (col. 14 lines 25-col. 15 lines 8, col. 26 lines 24-30);
- detecting if additional information contains a specified information regarding video program (fig. 3, col. 4 lines 36-47, fig. 11, col. 19 lines 42-col. 20 lines 10);
- extracting specified information from additional information (fig. 3, col. 4 lines 36-47, fig. 11, col. 19 lines 42-col. 20 lines 10);
- associating specified information with current or future instances of the recurring timer (fig. 3, col. 4 lines 36-47, fig. 11, col. 19 lines 42-col. 20 lines 10); and
- displaying a list of timers with associated information (fig. 3, col. 4 lines 36-47, fig. 11, col. 19 lines 42-col. 20 lines 10).

7. Regarding **claim 2**, method wherein specified information is the program title of the video program being recorded (fig. 11).

8. Regarding **claim 3**, method wherein the specified information is only inserted to those instances of recurring timer that do not have specified information already inserted (fig. 3, col. 4 lines 36-47, fig. 11, col. 19 lines 42-col. 20 lines 10).
9. Regarding **claim 4**, method wherein the specified information is inserted to all instances of recurring timer (col. 14 lines 25-col. 15 lines 8, col. 26 lines 24-30).
10. **Claim 7** is rejected for the same reason as discussed in the corresponding claim 1 above.
11. **Claim 10** is rejected for the same reason as discussed in the corresponding claim 2 above.
12. **Claim 11** is rejected for the same reason as discussed in the corresponding claim 3 above.
13. **Claim 12** is rejected for the same reason as discussed in the corresponding claim 4 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 5-6, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,344,878 by Emura in view of US 5,872,588 by Aras et al.

15. Regarding **claim 5**, Emura discloses an additional information but fails to disclose method wherein additional information is extracted from a vertical blanking interval of an analogue video signal.

Aras discloses method wherein additional information is extracted from a vertical blanking interval of an analogue video signal (col. 13 lines 25-33).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Emura's system to include a vertical blanking interval, as taught by Aras, to extract additional information from analog video signal.

16. **Claim 6** is rejected for the same reason as discussed in the corresponding claim 5 above.

17. **Claim 8** is rejected for the same reason as discussed in the corresponding claim 5 above.

18. **Claim 9** is rejected for the same reason as discussed in the corresponding claim 5 above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US 7,433,575

2) US 7,366,403

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC
12/04/2009

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621